

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAFAEL CORDERO, *individually and on behalf of all
others similarly situated,*

Plaintiff,

-v-

PORTABLE THERAPEUTIX, LLC,

Defendant.

22-CV-5705 (JMF)

ORDER

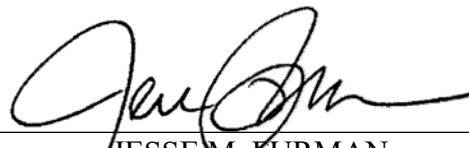
JESSE M. FURMAN, United States District Judge:

On October 19, 2022, almost a month after Defendant was required to answer or otherwise respond to the Complaint but failed to do so, the Court ordered Plaintiff to move for default judgment. *See* ECF No. 19. Defendant filed its answer the next day. *See* ECF No. 20. Cognizant that “the Second Circuit has expressed ‘a strong preference for resolving disputes on the merits,’” *Shanchun Yu v. Digojiaoyu, Inc.*, 18-CV-7303 (JMF), 2019 WL 6174204, at *6 (S.D.N.Y. Nov. 20, 2019) (quoting *New York v. Green*, 420 F.3d 99, 104 (2d Cir. 2005)), the Court hereby VACATES its October 19, 2022 Order and EXTENDS the answer deadline, *nunc pro tunc*, to **October 21, 2022**.

That said, defense counsel is cautioned that the Court is losing patience with his repeated failure — in this and other cases — to comply with deadlines, rules, and Court orders, *see also* September 19, 2022 Order (ECF No. 18), *Jimenez v. VeganCuts Inc.*, No. 22-CV-5376 (JMF) (S.D.N.Y. filed June 25, 2022); October 6, 2022 Order (ECF No. 21), *Jimenez v. Pro Therapy Supplies, LLC*, No. 22-CV-4375 (S.D.N.Y. filed Oct. 6, 2022), and warned that future such failures will not be looked upon kindly and may result in sanctions.

SO ORDERED.

Dated: October 21, 2022
New York, New York


JESSE M. FURMAN
United States District Judge